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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,286	02/01/2002	Stephen C. Murphy	MTIPAT.112A1	2040

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT PAPER NUMBER

2835

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/066,286

Applicant(s)

MURPHY, STEPHEN C.

Examiner

Michael Datskovsky

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 10-20, 22, 24, 25, 27-29 and 31 is/are rejected.
- 7) ☐ Claim(s) 5-9, 21, 23, 26 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 14, 20, 25, 28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshizawa.

Yoshizawa teaches a portable computer, Figs.1-7, comprising: a housing having an opening in a first (right side) surface; a display 1 attached to the housing; a first keyboard 2 positioned on a second surface of the housing; a second movement keyboard 3 movably mounted in a recess of the housing, such as to be moved back and forward between a storage configuration recessed in the opening of the housing and in an extending configuration outward from the housing. Yoshizawa teaches furthermore said second keyboard comprising a drop-down leg (5, 8 or 12). Regarding to the claims 25, 28 and 31: The method steps are inherently necessitated by the device structure as Yoshizawa discloses it.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 10, 11, 12, 13, 15, 16, 17, 18, 19, 22, 24, 27, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshizawa.

Yoshizawa teaches all the limitations of the claims except said first keyboard comprising a QWERTY type of the keyboard (claims 3, 17 and 27); said second keyboard comprises cursor leys (claims 10, 18), or numeric keys arranged in a 10-key configuration (claims 11, 19 and 29); said first keyboard is operable when the second keyboard is in the storage position (claims 13, 16, 24); and there is a plurality of drop-down leg members formed on a bottom surface of the second keyboard (claims 12, 15). Regarding to the claims 3, 10, 11, 13, 16, 17, 18, 19, 22, 24, 27, 29: Official notes is taken that cursor or numeric keys functioning separately, as well as QWERTY type of keyboards are well known in the art. Good examples are standard PC keyboards. It would have been obvious to one skilled in the art at the time invention was made to employ in the device by Yoshizawa a QWERTY type of the first keyboard, and the second keyboard having cursor keys or numeric keys arranged in a 10-key configuration, said first keyboard being operable when the second keyboard is in the storage position, as a matter of design choice, since applicant has not proved that a type of the second keyboard solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any kind of an additional keyboard section. Regarding to the claims 12 and 15: Yoshizawa teaches all the limitations of the claims except there is a plurality of drop-down leg members formed on the bottom of the second keyboard. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plurality of legs in

the device by Yoshizawa instead of the one leg, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

*Nerwin v. Erlichman*, 168 USPQ 177, 179.

***Allowable Subject Matter***

5. Claims 5-9, 21, 23, 26 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the second keyboard includes a second keyboard housing having an opening in a first surface (claims 5-7); Said computer further includes a latch mechanism for securing the second keyboard in the storage configuration (claims 8-9 and 30), or a plurality of said latch mechanisms (claim 23); Said first keyboard comprises a second keyboard and a third keyboard (claims 21 and 26).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bird (US Patent 5,341,154, which is applicable for the rejection of the at least all independent claims of the instant application); Roylance (US Patent 5,687,058); Susel (US Patent 6,111,527) and Meagher (US Patent 5,733,056).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703) 306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (703) 308-4815. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Patent Examiner

Michael Datskovsky

June 10, 2003

A handwritten signature in cursive script, appearing to read "Michael Datskovsky", written in dark ink.